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C O N F I D E N T I A L SECTION 01 OF 02 KATHMANDU 002318

SIPDIS

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E.O. 12958: DECL: 10/24/2015

TAGS: [PGOV](#) [PHUM](#) [NE](#)

SUBJECT: MIDNIGHT RAID SEIZES RADIO EQUIPMENT

REF: A. KATHMANDU 2229

[1](#)B. KATHMANDU 1690

Classified By: Ambassador James Moriarty. Reasons 1.4 (b/d)

[1](#)1. (U) This contains an action request. See paragraph 9.

Summary

[1](#)2. (C) Dozens of armed police stormed the Kathmandu office of Kantipur FM Station, part of Nepal's largest media conglomerate, near midnight on October 21, took control of the station staff at gunpoint, and seized satellite uplink equipment to prevent transmission of FM radio to eastern Nepal. His Majesty's Government of Nepal (HMGN) claimed Kantipur FM was in violation of the King's October 9 media ordinance prohibiting stations from simultaneously broadcasting in more than one location. On October 24, the Supreme Court began hearing the emergency case filed by Kantipur FM asking the government to return seized equipment and allow the station to continue simultaneous broadcasting to Kathmandu and other areas in Nepal. There has been a public outcry against HMGN's action. End Summary.

Ministry of Information Visits FM Station for "Inspection"

[1](#)3. (C) Kantipur FM station manager Prabhat Rimal told Emboff that at 1510 local time on October 21, five people from the Ministry of Information and Communications came to his station to "inspect" equipment; one was a Ministry section head, two were engineers, and two were security forces in civilian dress. They carried a signed letter from the Ministry asking the radio station to allow them "to inspect facilities" as part of the Ministry's normal duties. While the station manager had no recollection of anyone from the Ministry conducting such an inspection in the past, he allowed them in, showed them around, and served them tea. The team told him they had instructions to de-link equipment that allowed Kantipur to broadcast simultaneously with other stations around the country, as the King's October 9 media ordinance (ref a) banned such linked broadcasting. The station manager showed the team the Kantipur license documents and paperwork with the government's approval for simultaneous broadcasting. The manager told Emboff that the station had submitted renewal documents to the government in June, the end of the Nepali fiscal year, and that the government usually granted renewal in the fall. However, the station had yet to receive renewal approval or denial for this year. The station manager thought he had convinced the team not to seize equipment and the team and armed police van waiting outside left the station at 2030.

Police Return at Midnight, Seizing FM Equipment At Gunpoint

[1](#)4. (C) At 2315 local time on October 21, three dozen police and a team from the Ministry of Information and Communication returned to Kantipur FM radio station and held staff at gunpoint as they seized encoder, satellite modem, and digital audio recording equipment used for simultaneous broadcasts. According to Rimal, the government had given approval for all the equipment to be imported and Kantipur FM had used the equipment to broadcast to the eastern region simultaneously for five years. He noted that security forces failed to provide any written documentation on what they were doing or why.

Strong Reaction Against Raid

[1](#)5. (U) On October 22, as news of the raid spread, local political leaders, lawyers, human rights activists and officials from the UN Office of High Commissioner for Human Rights gathered at the radio station to denounce the government's repressive actions. CPN-UML General Secretary MK Nepal told the press that the government's action was the result of its "madness." Krishna Sitaula (NC) said that the act was an attack on the foundation of multiparty democracy. On October 23, private FM stations symbolically protested the midnight act by going off the air for two minutes.

Kantipur Seeks Relief in Supreme Court

16. (U) On October 23, Kantipur filed a petition at the Supreme Court demanding nullification of the government's uplinking restrictions, and asking that the government return the seized equipment. While refusing to issue an immediate stay order on October 24, the Supreme Court announced it will hear the case on October 30. Separately, the Supreme Court will hear on November 29 Radio FM Private Limited's petition (ref b) to allow stations to broadcast news. (Note: FM radio stations resumed broadcasting news following the Court's August 10 stay order in this case. End note.)

Government Threatens other Radio Stations

17. (U) On October 24, the Kathmandu Post reported that the Ministry of Information had threatened FM stations with "tough action" if they did not immediately comply with the new media ordinance. The October 24 government newspaper, The Rising Nepal, led with an article stating that Kantipur FM deserved the government's action for flouting the new law. It quoted "political leaders and activists" who supported the move for more "responsible and accountable" media.

Comment

18. (C) The government's media ordinance is inconsistent with the Supreme Court's stay order to allow radio FM to continue to broadcast news, as is the seizure of equipment, preventing the broadcast of news and information to the eastern region of Nepal. The Supreme Court will have to decide in the coming weeks whether it will stand up in the face of the government's apparent determination to muzzle Nepal's radio stations.

Action Request

19. (U) Post requests that the department issue a statement condemning His Majesty's Government of Nepal actions against media freedom.

Begin suggested text.

The United States is shocked and disappointed at the seizing of radio equipment from Kantipur FM at gunpoint by state authorities. A free media is one of the hallmarks of a democratic nation, and His Majesty's Government of Nepal's recent call for national elections rings hollow if other democratic institutions are systematically dismantled. We call on the King to respect civil liberties and reach out to the political parties to find a common path back to democracy.

End suggested text.

MORIARTY